

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 798 OF 2006.
IN
CRIMINAL APPEAL NO. 687 OF 2006.

Vijay Manik Dhaware. ... Applicant.
Versus.
State of Maharashtra. ... Respondent.

Shri P.R.Arjunwadkar for the Applicant.

Shri U.V.Nikam, A.P.P. for the Respondent.

CORAM : ABHAY S.OKA, J.

DATED : 22nd November, 2006.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. The Applicant has been convicted for offence under section 363 and section 376 of the Indian Penal Code. He has also been convicted for offence under section 341 read with section 34 of the Indian Penal Code and section 506 of the Indian Penal Code. All substantive sentences have been directed to be run concurrently. The maximum substantive sentence is R.I. for seven years. The Applicant was on bail during the pendency of the trial.

2. A perusal of the Judgment and notes of evidence shows that immediately after the incident, the prosecutrix had named two altogether different persons as accused and three to four days thereafter, she named the present Applicant. Even the deposition of the prosecutrix shows that on the same day she disclosed to

her mother the names of the same two persons and only two days thereafter she disclosed the name of the present Applicant to her mother. Considering the peculiar facts and features of the case and considering that the Applicant was on bail all throughout the trial, the Applicant is entitled to be enlarged on bail subject to conditions.

3. Hence the Application is disposed by the following order:

- i) The Applicant shall be enlarged on the same bail on which he was enlarged during the pendency of the trial subject to filing of fresh bail bonds.
- ii) Bail is granted subject to condition that till disposal of the Appeal, the Applicant will not enter the village Chikharde, Taluka Barshi, Dist. Solapur.
- iii) Bail is granted subject to condition that the Applicant will report to the Pangari Police Station, Pangari, Dist. Solapur once in every two months till the final disposal of the Appeal.

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Judge.